



RICHARD A. NGUYEN
Houston City Council Member, District F

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FCC Mail Room

May 22, 2015

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

EX PARTE OR LATE FILED

Re: CG Docket No. 02-278

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Honorable Secretary Dortch:

I have been monitoring the Petition for Expedited Declaratory Ruling ("Petition") filed by the Edison Electric Institute ("EEI") and the American Gas Association ("AGA"). The Petition requests a declaratory ruling that a customer who provides a telephone number to a utility constitutes "prior express consent" under the Telephone Consumer Protection Act ("TCPA") for purposes of receiving automated, service-related utility contacts. I support the Petition filed by EEI and AGA because it facilitates the critical public policy goal of ensuring the safe, reliable and efficient provision of utility services to our citizens.

In Texas, cities are vested with original jurisdiction over transmission and distribution investor owned utilities ("TDUs"), such as CenterPoint Energy Houston Electric, LLC, within their city limits. I take this responsibility seriously and believe it is essential for utility providers to communicate in real time with customers about matters that directly affect their service, such as planned or unplanned service outages, service restoration, and important field work, such as tree trimming or meter work. Absent such communications, the exchange of critical information can be delayed and already strained municipal services may be further taxed as a result of having to direct customer calls that would otherwise be avoided through the use of an automated, utility notification program.

While I appreciate the desire of some commenters to attach narrowly defined conditions of customer contact to certain categories of utility services, I encourage the Commission to reject the adoption of arbitrary and subjective criteria. For example, I do not believe that customer notification regarding field work, such as tree trimming, should be conditioned on the work causing inconvenience to a group of targeted homeowners because such criteria is subjective and difficult to define. Instead, I support clarification of the TCPA rules to allow a utility to contact existing customers who provide a contact telephone number in the same manner that planned or unplanned outage notifications and other important service-related information is communicated. As the Commission knows, trees near power lines can be a dangerous combination. Tree pruning provides a necessary safety buffer between people working near high voltage lines and

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helps prevent power outages during storms. Timely contact regarding field work on a customer's property is critical to avoid unnecessary surprise or confusion on the part of the homeowner and to ensure that this work is performed without unnecessary delay. This, in turn, protects both the customer and the service professional who enters the property and encourages efficient maintenance work. For these reasons, I encourage the Commission to clarify that communications regarding scheduled and unscheduled field work are permitted under the TCPA.

It is also my experience that citizens find communications related to energy consumption, appointment reminders or other service-related information to be a beneficial, convenient, and expected part of their utility customer service. Such information is vital because it allows citizens to both monitor their utility usage and proactively manage their utility bills. It also offers the opportunity to educate customers on various utility programs that can result in lower utility costs or assistance. At the same time, I acknowledge that customers should not be inundated with messages that they do not want to receive from utilities. In order to strike a balance between the benefits of communicating service-related information and customers' desire to limit unwanted contact, I suggest that informational contact involving energy usage, appointment reminders or assistance programs should be allowed on a one-time basis. This one-time provision of information by the utility affords customers the opportunity to more readily take advantage of the services that they desire, while simultaneously providing customers the right to opt-out of future wireless communications if this service is not of value to them. In short, the customer receives the benefit of increased customer contact and awareness, while retaining the power to tailor communications to those that they desire or to opt-out entirely from service-related information communications.

In closing, I appreciate the Commission's consideration of these comments. I encourage the Commission to act on the Petition in a manner that ensures customers receive important utility service notifications. In order to achieve this result, I support the Petition's request that the Commission clarify that a customer has given "prior express consent" to receiving non-telemarketing informational communications related to the customer's utility service upon providing a phone number to the utility company.

Sincerely,

A handwritten signature in black ink, appearing to be 'Richard Nguyen', with a stylized, flowing script.

Richard Nguyen